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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,402	04/06/1999	REGIS J. CRINON	KLR:7146.029	6268
47915	7590	12/29/2005	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP			TRAN, HAI V	
1600 ODS TOWER			ART UNIT	
601 SW SECOND AVENUE			PAPER NUMBER	
PORTLAND, OR 97204			2611	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/287,402	Applicant(s) CRINON, REGIS J.	
	Examiner Hai Tran	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-10, it is unclear limitation "said presentation time stamp value" corresponds to "a first time stamp value" or the value of "an associated presentation time stamp"?

Claim 11, limitation it is unclear limitation "said presentation time stamp" is "an associated presentation time stamp" or "a first time stamp value"?

Claim 1 recites the limitation "said presentation time stamp value " in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-5 recite the limitation "said presentation time stamp value " in line 1 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 6 recites the limitation "said presentation time stamp value" in lines 12, 13, 15 and 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said time stamp value" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said presentation time stamp" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Further clarification is required and appropriate correction is requested. The following art rejection is applied to applicant claims as best understood in view of the 112 2nd paragraph rejection above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US 6357042).

Claim 1, Srinivasan discloses a method of displaying a document together with a 1st time stamp specified display of a video element comprising the step of:

Providing the document (annotation stream/metadata) wherein the document includes a structure for receiving a 1st time stamp value associated with the video element (each frame of the video is associated with a PTS signature; Col. 4, lines 9-15; Col. 36, lines 25-32; Col. 39, lines 49-50) , wherein the combination of the document and the structure for receiving a first time stamp value is provided in a Packetized elementary stream together with an associated presentation time stamp (video stream and annotation stream/metadata is encoded according to MPEG standard; Col. 13, lines 65-Col. 14, lines 1);

Inserting the presentation time stamp value into the structure (Col. 37, lines 45-49; Col 39, lines 13-20; Col. 40, lines 1-3) ;

Reading the presentation time stamp value in the document (Col. 36, lines 43-46; lines 65-Col. 37, lin1; and Col. 38, lines 33-36); and

At least one of the providing and signaling the availability of the document to a viewer in accordance with the presentation time stamp (Col. 4, lines 35-37).

Claim 2, Srinivasan further discloses wherein the availability of the document is signaled by displaying the document (annotation, metadata, ads, or thumbnails; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Claims 3 and 9, Srinivasan further discloses wherein the availability of the document is signaled by displaying to the viewer a notice of the availability to which the viewer may respond by causing the display of the document (Col. Col. 36, lines 66-Col. 37, lines 8).

Claim 4, Srinivasan further discloses wherein the presentation time stamp value is encoded in a data packet with the document before the data packet is transmitted (Col. 36, lines 25-32; Col. 37, lines 35-41; Col. 39, lines 49-50).

Claim 5, Srinivasan further discloses wherein the presentation time stamp value is inserted into the structure after the document is transmitted (see Fig. 7 and 8, el. 49 in which the document is transmitted from headend 45 and wherein the PTS is inserted into the metadata at Authoring system 51 after the document is transmitted from the headend; Col. 39, lines 49-50).

Claim 6, Srinivasan discloses a method of displaying a document (annotation/metadata with thumbnail markers as selectable feature about Ads) together with a time stamp specified display of video element (Col. 36, lines 65-Col. 37, lines 8 and Col. 37, lines 35-41) comprising the steps of:

Providing the document (annotation stream/metadata) including a structure for receiving a 1st time stamp value specifying a display time for the document (each frame of the video is associated with a PTS signature; Col. 4, lines 9-15; Col. 36, lines 25-32; Col. 39, lines 49-50);

Reconstructing the document from the first data packet (Col. 36, lines 10-21; Col. 38, lines 18-25)

As to "Encoding in a Packetized Elementary Stream a first data packet (video) comprising a payload containing the document together with an associated presentation time stamp; and Encoding in a Packetized Elementary Stream a second packet (audio) comprising the 1st time stamp value and a target datum in either the video or audio element", Srinivasan must encodes the corresponding video/audio/annotation data stream into Packetized Elementary Stream as shown in Fig. 7 and 18 according to MPEG standard (note: Video' s time stamp, Audio' s time stamp and Associated data' s time stamp are all derived from Video time stamp)

limitation "capturing the presentation time stamp value from the first data packet; Inserting the presentation time stamp value into the structure for receiving the (1st time stamp value" is further met by Srinivasan (Col. 38, lines 9-25 and Col. 9, lines 13-22)

Regarding claim 7, Srinivasan further discloses wherein the availability of the document is signaled by displaying the document (annotation, metadata, ads, or thumbnails; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Regarding claim 10, Srinivasan further discloses transmitting the first (Video) and second (Audio) data packets to a receiver in which the corresponding video/audio/annotation data stream are encoded into Packetized Elementary Stream as shown in Fig. 7 and 18; Col. 6, lines 44-52 (note: Video' s time stamp, Audio' s time stamp and Associated data' s time stamp are all derived from Video time stamp)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 6357042) in view of Harrison et al. (US 6064420).

Regarding claim 8, Srinivasan further discloses including in the document (annotation/metadata/ads) does not clearly disclose a display time interval and terminating the display of the document at a time specified by the display time interval and the time stamp value.

Harrison further discloses including in the document (associate data) a display time interval and terminating the display of the document (associate data) at a time specified by the display time interval and the time stamp value" (time code and time duration; Col. 5, lines 2-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan to include a time display interval, as taught by Harrison, so to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Field of the invention).

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 6357042) in view of Eyer (US 5982445).

Regarding claim 11, with respect to analysis of claim 1, Srinivasan further discloses "a document server" (i.e. el. 267 of Fig. 18 , see Col. 35, lines 48-60; Col. 37, lines 9-13) for delivering the document (annotation/metadata) including a structure for receiving a 1st time stamp value as a first data stream to a packet assembler said delivery being coordinated with the arrival of a target datum in a second data stream representing said at least one of a video stream element and an audio element; "a packet assembler" for encoding in a Packetized Elementary Stream a first data packet having, together with an associated PTS, a payload comprising a data unit representing the document (annotation/metadata) and a 1st time stamp value specifying a time for displaying the document (annotation/metadata); and a second data packet comprising the target datum and the 1st time stamp value"; "a packet disassembler for separating the data unit and the 1st time stamp value from the first data packet"; and "a time stamp loader to insert the presentation time stamp value into the structure for receiving the 1st time stamp value" in order to perform the method as discussed in claim 1 in which a client/set-top box receives incoming packets video/audio/associated packets and presents them accordingly to user.

As to limitation “a parser to reconstruct the document from the data unit” and “a data presentation engine to read the document”, Srinivasan does not clearly disclose it.

Eyer discloses a parser and presentation engine (browser) to reconstruct the document from the data unit (Fig. 2; element 220, 215; Col. 8, lines 44-48 and Col. 9, lines 13-21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan to include a parser and data presentation engine (Browser); as taught by Eyer; so to identify displayable objects and display instructions from HTML codes so that a browser could display corresponding HTML pages to viewers.

Regarding claim 12, Srinivasan further discloses wherein the availability of the document (annotation/metadata/thumbnails with images of related ads) is signaled by displaying the document (displays buttons with images of related ads; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Regarding claim 13, Eyer further discloses a storage device to store the reconstructed document (Fig. 2; element 210; Col. 11, lines 8-12) and a command device enabling the viewer to cause the display of the document (Fig. 2; element 232; Col. 9, lines 1-5 & 46-50).

Regarding claim 14, Srinivasan further meets the limitation "further comprising a transmission and receiving system for transferring data packets to a receiver" (see Fig. 7, 16 and 18).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
12/23/2005



**HAI TRAN
PRIMARY EXAMINER**